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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,141	11/25/2000	Paul Lapstun	NPS015US	3970

24011 7590 08/17/2006

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EXAMINER

CHEVALIER, ROBERT

ART UNIT PAPER NUMBER

2621

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/722,141

Applicant(s)

LAPSTUN ET AL.

Examiner

Bob Chevalier

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9, and 11-19, have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 9, and 11-19, are rejected under 35 U.S.C. 102(b) as being anticipated by the submitted prior art to Wellner (EP 0697793 A2).

Wellner discloses a multimedia apparatus that shows all the limitations recited in claim 1, including the feature of the sensor positioned in the body for sensing coded data printed on a substrate and for generating first data (See Wellner's Figure 1, component 11), the feature of receiving from the computer system, video data associated with an identity derived from the first data (See Wellner's Figure 1, components 13, 14, and 15), the feature of outputting a visual display based at least partially on the video data (See Wellner's Figure 1, component 16).

With regard to claims 2, 13, the feature of the memory for storing received video data as specified thereof is present in Wellner. (See the VCR shown in Wellner's column 4, lines 3-6).

With regard to claim 3, the feature of the memory being user replaceable as specified thereof would be present in Wellner's apparatus. (See the VCR shown in Wellner's column 4, lines 3-6).

With regard to claims 4, and 14-17, the feature of the video player having an identity and further includes processor means to store the identity or data indicative of the identity with or in any file stored in memory as specified thereof is present in Wellner. (See Wellner's column 3, lines 29-44).

With regard to claim 5, the feature the means to display information relating to received video data as specified thereof is present in Wellner. (See the capability of displaying received video data on the display 16 as shown in Wellner's Figure 1).

With regard to claims 6-7, the feature of activating the sensor as specified thereof is present in Wellner. (See Wellner's Figure 1, component 11).

With regard to claim 9, 11, and 18-19, the feature of the paper like substrate specified thereof is present in Wellner, and also the feature machine-readable code. (See Wellner's Figure 2, component 10).

With regard to claim 12, the feature of playing the video data as specified thereof is present in Wellner. (See Wellner's Figure 1, components 15, 16, and column 4, lines 3-6).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the submitted prior art of Wellner (EP 0697793 A2) in view of Official Notice.

Wellner discloses a video apparatus that shows substantially the same limitations recited in claim 8, including the feature of receiving and display video data.

Wellner fails to disclose the feature of the motion sensor to actuate the video device as specified in the present claim 8.

Examiner takes Official Notice in that it is notoriously well known in the video recording/reproducing art to have motion sensor arranged in a manner to actuate a video device, e.g., in a video surveillance environment wherein a motion detection can be set to trigger the video recording operation.

It would have been obvious to one skilled in the art to modify the Wellner's apparatus wherein the video receiving/recording means provided thereof (See Wellner's Figure 1, component 15) would incorporate a motion sensor arranged in a manner to activate the video device in the same conventional manner as is well known in the prior art. Examiner has taken Official Notice. The motivation is to increase the accuracy of the recording operation as suggested in the prior art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. Chevalier  
August 15, 2006.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER